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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. 2005-0677

Appl. No. : 09/489,473

Applicant : Kazuhisa MATSUDA

Filed : January 21, 2000

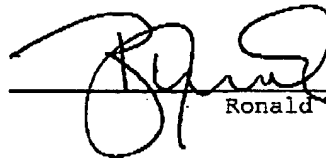
TC/A.U. : 1771

Examiner : C. C. Pratt

Dkt. No. : NISS-049

Cust. No. : 20374

I hereby certify that this paper is being facsimile transmitted on April 5, 2005, to the United States Patent and Trademark Office to facsimile number (703)872-9306 (official copy) and to BPAI Hearing Fax No. (571)273-0299 (courtesy copy).



Ronald J. Kubovcik

WAIVER OF ORAL HEARING

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 5, 2005

Sir:

A Notice of Hearing was mailed in the above identified appeal on February 24, 2005. The notice set a date of Thursday, April 7, 2005, at 09:00 AM for a hearing in the appeal.

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The undersigned confirmed attendance at the hearing on March 7, 2005, by facsimile to the USPTO Central fax number (official copy) and to the BPAI Hearing fax number (courtesy copy).

However, the confirmation of attendance at the hearing was an inadvertent error on the part of the undersigned. The assignee of the application had instructed the undersigned that attendance was not necessary. A letter and debit note were sent to the assignee by the undersigned on March 31, 2005, reporting that the hearing had, in fact, been waived. The fact that attendance at the hearing had not been waived as intended and, instead, had been confirmed was only recently discovered during a review of the file of the application involved in this appeal after the original hearing date appeared on the docket of the undersigned for the week of April 4, 2005.

The undersigned hereby requests that the hearing be waived.

The undersigned sincerely regrets the error in confirming attendance at the hearing and apologizes to the Board for any inconvenience.

The undersigned notes that he attempted to contact the Board by telephone on April 5, 2005. He left a voice mail message with Mr. Craig Feinberg advising that attendance at the hearing had been inadvertently confirmed and asking what steps should be taken. Mr. Feinberg did not return the telephone call and the undersigned

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attempted to call the Board at 571-272-9797. The telephone calls were not answered.

If there are any questions or additional information is required, please contact the undersigned at 202-887-9023.



Ronald J. Kubovcik
Reg. No. 25,401

KUBOVCIK & KUBOVCIK
The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006
Tel: (202) 887-9023
Fax: (202) 887-9093